

AMENDED IN ASSEMBLY AUGUST 18, 2003

AMENDED IN SENATE APRIL 30, 2003

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 1032

Introduced by Senator Murray

(Coauthors: Assembly Members Goldberg, Koretz, and Leno)

February 21, 2003

An act to add Section 653z to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1032, as amended, Murray. Motion picture theaters: unauthorized recordings.

(1) Existing law provides that a person admitted to a theater in which a motion picture is to be or is being exhibited who refuses to cease the operation of a video recording device upon the request of the theater owner is guilty of intentionally interfering with and obstructing the operation of a lawful business, a misdemeanor.

This bill would provide, in addition, that every person who operates a recording device in a motion picture theater while a motion picture is being exhibited, for the purpose of recording a theatrical motion picture and without the express written authority of the owner of the motion picture theater, is guilty of a public offense and shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$2,500, or by both that fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653z is added to the Penal Code, to read:
2 653z. (a) Every person who operates a recording device in a
3 motion picture theater while a motion picture is being exhibited,
4 for the purpose of recording a theatrical motion picture and
5 without the express written authority of the owner of the motion
6 picture theater, is guilty of a public offense and shall be punished
7 by imprisonment in a county jail not exceeding one year, by a fine
8 not exceeding two thousand five hundred dollars (\$2,500), or by
9 both that fine and imprisonment.

10 (b) For the purposes of this section, the following terms have
11 the following meanings:

12 (1) "Recording device" means a photographic, digital or video
13 camera, or other audio or video recording device capable of
14 recording the sounds and images of a motion picture or any portion
15 of a motion picture.

16 (2) "Motion picture theater" means a theater or other premises
17 in which a motion picture is exhibited.

18 (c) *Nothing in this section shall preclude prosecution under any*
19 *other provision of law.*

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

